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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60118 of 2024 (O&M)
Date of decision : December 05, 2024

Pradeep @ Bhappal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Baljeet Beniwal, Advocate for the petitioner.

Mr. Abhinash Jain, DAG., Haryana.

KULDEEP TIWARI, J (ORAL)

1. Through the instant petition filed under Section 483 of BNSS 2023 the petitioner prays for grant of regular bail in case FIR No.480 dated 24.11.2023 (Annexure P-1) under Sections 307,459,506 and 34 IPC, 1860 and Section 25 of Arms Act, 1959 (Section 325, 120-B & 397 IPC were added later on) registered at Police Station Faridabad Central, District Faridabad.

2. The instant FIR was registered by the police, on a complaint made by one Naresh Mittal after having received an information regarding his father suffered a gun shot injury. The relevant extract of the same reads as under:-

“To Learned SHO, PS Central, Sector 12, Faridabad. Sir, It is respectfully submitted that I am Naresh Mittal S/o Shri Ashok

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Mittal R/o House no. 446, Sector 14, Faridabad. I am a property dealer. My father Ashok Mittal aged around 68 years is residing at House No. 928, Sector 15A and we also keep visiting them. My father has kept a girl namely Tulsi W/o Prakash for cleaning purpose and she is working from last 15-16 years. At around 07:10 PM in the evening Deepak Singh S/o Rajbir Singh R/o house no. 158, Kundal Colony called me and informed me that My father has been shot by Kulwant Chahal R/o Sector 15A, who had come along with 3-4 other persons on black cars and entered the house by jumping from the wall. Then he forcefully opened the door and had a fight and then fired a shot. When I and Deepak reached the house then we took our injured father to Metro Hospital, Faridabad. That my father told me that Kulwant Chahal had come along with three persons and had a fight with him and told him that Amrish Chaudhary had given the advance money for land then how could he sell the land to someone else. My father had already told him three years back that he has neither received any money from Amrish nor there is any talk going in this regard. Due to this he fired a shot at my father which hit him in his chest. After firing all four persons ran from the spot on their car one of which was black. A case be registered against Kulwant Chahal and other others for attempt to murder and forcefully entering the house and for threatening to kill. All the persons can be recognized when produced before my father.”

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that no role whatsoever, has been assigned to the petitioner in the FIR (supra), nor he has any connection with the instant crime. He submits that the motive, if any, are of co-accused Kulwant Chahal and Amrish Chaudhary. It is further submitted that name of the petitioner has cropped up in the instant FIR, during investigation, that too

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on the disclosure statement made by co-accused. So far as the presence of the petitioner nearby the spot, as per the prosecution case is concerned, would not connect the present petitioner with the instant crime.

4. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner, and submits that the petitioner is one of the conspirators, and he was present at the spot which fact is clearly revealed from the CCTV footage, which was submitted by the prosecution. He also informs that on the disclosure statement of Kulwant Chahal and Amrish Chaudhary about the present petitioner's involvement in the instant FIR. He also informs that that the final report has already been filed, and charges have been framed on 15.07.2024 and thereupon, supplementary report has also been filed, the prosecution has cited total 14 witnesses but none has been examined so far. He has also placed on record the custody certificate qua the petitioner.

5. This Court has examined the rival submissions made by both the parties. This Court is of the view that the instant petition deserves to be **allowed** for the reasons mentioned hereinafter:-

- i) that the petitioner has suffered incarceration of 6 months and 26 days as on today, though he is stated to be involved in one other case, but that cannot be considered a legal impediment to extend the relief of regular bail.
- ii) that no role has been attributed to the present petitioner.
- ii) that name of the petitioner has been cropped up on the basis of disclosure statement made by co-accused.



iii) the co-accused namely Sanjay Gupta, Manoj Kumar @ Manoj and Kulwant Chahal have already been extended the benefit of bail.

6. In view of the above facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

December 05, 2024
archana

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No